

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|                               |   |                                |
|-------------------------------|---|--------------------------------|
| STEVEN HAWTHORNE,             | ) |                                |
|                               | ) |                                |
| Plaintiff,                    | ) |                                |
|                               | ) | Civil Action No. 08-5962 (GEB) |
| v.                            | ) |                                |
|                               | ) | <b>ORDER</b>                   |
| STATE OF NEW JERSEY, et. al., | ) |                                |
|                               | ) |                                |
| Defendants.                   | ) |                                |
|                               | ) |                                |

**BROWN, Chief Judge**

This matter having come before the Court upon the December 23, 2009 Report and Recommendation of the Honorable Magistrate Judge Bongiovanni (Doc. No. 25) recommending that the matter be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b); and the Court having reviewed the Report and Recommendation and the record; and the Court noting that review of a Magistrate Judge's report and recommendation, as well as objections to it, is governed by Local Civil Rule 72.1; and the Court further noting that the rule provides that the Court "shall make a de novo determination of those portions [of the report and recommendation] to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge," L. Civ. R. 72.1(c)(2); and the Court having noted that the Plaintiff Steven Hawthorne has not filed objection with this Court in regard to the Report and Recommendation and has failed to update his mailing address; and the Court having decided the matter without oral argument pursuant to Federal Rule

of Civil Procedure 78;

IT IS THIS 1<sup>st</sup> day of February, 2010, hereby

ORDERED the Court will adopt Judge Bongiovanni's Report and Recommendation; and  
it is further

ORDERED that the Clerk's Office shall mail a copy of this Order to Plaintiff at his  
address of record within five days of this date.

s/ Garrett E. Brown, Jr.  
GARRETT E. BROWN, JR., U.S.D.J.